

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JUDIE CHANCE,

Plaintiff,

v.

DOLGENCORP, LLC,

Defendant.

Civil Action File No.: _____

*[Removed from Cobb County State
Court]*

NOTICE OF REMOVAL

COMES NOW Dolgencorp, LLC and, within the time prescribed by law, files this Notice of Removal and respectfully shows to the Court the following facts:

1.

Plaintiff filed suit against Defendant Dolgencorp, LLC in the State Court of Cobb County, State of Georgia for personal injuries allegedly incurred as a result of a fall outside a Dollar General store located at 1197 JQ Harvey Road in Jakin, Georgia 39861. The suit is styled as above and numbered Civil Action File No. 23-A-2421-7 in that Court.

2.

Dolgencorp, LLC, is a Kentucky single-member limited liability company

with a principal place of business in Goodlettsville, TN. Dolgencorp, LLC is not a citizen of the state of Georgia, was not a citizen of the state of Georgia on the date of filing of the aforementioned civil action and it has not since become a Georgia citizen. The sole member of Dolgencorp, LLC, is Dollar General Corporation.

3.

Dollar General Corporation¹ is a Tennessee corporation with a principal place of business in Goodlettsville, Tennessee. Dollar General Corporation is not a citizen of the State of Georgia, was not a citizen of the State of Georgia on the date of filing of the aforementioned civil action, and it has not since become a Georgia citizen.

4.

Upon information and belief, Plaintiff Judie Chance is a resident of the State of Georgia who has been a resident of Georgia since the time of the alleged incident and has no plans to move outside of the state of Georgia for the foreseeable future. *See* Plaintiff's Amended Complaint for Damages, a true and accurate copy of which is attached hereto as **Exhibit "D."** Upon further information and belief, Plaintiff was not a citizen of the States of Tennessee or Kentucky on the date of filing the

¹ Dollar General Corporation was originally named as the sole party defendant but was dismissed by order of the State Court. True and accurate copies of Plaintiff's original Complaint, Dollar General Corporation's Answer and the State Court's Order Substituting Party Defendant are attached hereto as **Exhibits "A"** through **"C,"** respectively.

aforementioned civil action, has not since become a citizen of Tennessee or Kentucky, and she intends to remain in Georgia indefinitely.

5.

Defendant Dolgencorp acknowledged service of Plaintiff's Amended Complaint by and through its counsel on August 9, 2023. In her Amended Complaint, Plaintiff alleged damages in the form of pain and suffering and special damages for medical expenses in the amount of \$117,224.12. *See Exhibit "D,"* at ¶ 15.

6.

Defendant Dolgencorp timely filed an Answer on August 9, 2023. *See Exhibit "E,"* Defendant Dolgencorp, LLC's Answer and Defenses to Plaintiff's Amended Complaint.

7.

The aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and, accordingly, is one which may be removed to this Court by Defendant/Petitioner pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action in which the matter in controversy will exceed the sum of \$75,000.00 exclusive of interests and costs, and is between citizens of different states.

8.

The total claimed medical expenses sought by Plaintiff exceed the sum of \$75,000.00, exclusive of interest and costs.

9.

This Notice is filed within 30 days of Defendant Dolgencorp's acknowledgement of service of the Amended Complaint pursuant to the requirements of 28 U.S.C. § 1446(b).

10.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant Dolgencorp has attached hereto copies of all process, pleadings, and orders served upon it in this case, such copies being marked as **Exhibits "A" through "D."** Defendant shows that it has already answered the lawsuit in the state court action referenced above and a copy of that Answer is attached hereto as **Exhibit "E."** There are no motions pending in the State Court of Cobb County, Georgia at the time of filing this Notice of Removal.

11.

Venue properly rests in the Atlanta Division of the United States District Court of the Northern District of Georgia, as this case is being removed from the State Court of Cobb County, Georgia, which sits in the Atlanta Division of United

States District Court for the Northern District of Georgia. A Notice of Filing Notice of Removal to Federal Court will be filed with the State Court of Cobb County, Georgia.

WHEREFORE, Defendant Dolgencorp, LLC prays that the case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 9th day of August, 2023.

Respectfully submitted,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Erica L. Morton

Erica L. Morton, Esq.
Georgia Bar No.: 140869
Attorneys for Defendant Dolgencorp, LLC

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CERTIFICATE OF COMPLIANCE

Counsel hereby certifies that this document has been prepared with one of the font and point selections approved by the Court pursuant to L.R. 5.1(C) of the Northern District of Georgia, specifically, 14 point, Times New Roman font.

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CERTIFICATE OF SERVICE

I certify that I have electronically filed the *Notice of Removal* with the Clerk of Court using the CM/ECF (Pacer) system which will automatically send email notification of such filing to the following attorneys of record:

Christopher R. Miller, Esq.
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(Signature on following page)

This 9th day of August, 2023.

Respectfully submitted,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Erica L. Morton

Erica L. Morton, Esq.

Georgia Bar No.: 140869

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